

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JERRY LYNN LOUDERMILK,
Plaintiff,

v.

KILOLO KIJKAZI,
Acting Commissioner
of the Social Security
Administration,
Defendant.

Case No. 4:22-cv-1118-CLM

MEMORANDUM OPINION

The magistrate judge previously assigned this case has recommended that the court grant the Commissioner's unopposed motion for entry of judgment and remand this case to the Commissioner under sentence four of 42 U.S.C. § 405(g). (Doc. 13). Neither side has objected to the magistrate judge's recommendation. So the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation.

Sentence four of 42 U.S.C. § 405(g) authorizes the court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). Under this authority, the court **GRANTS** the Commissioner's motion (doc. 11), **REVERSES** the Commissioner's decision, and **REMANDS** this case to the Commissioner for further proceedings.

On remand, the Commissioner should (1) update the records as necessary; (2) offer the claimant the opportunity for a new hearing; (3) further consider whether medical improvement occurred by comparing medical evidence from before the finding of disability in 2012 to evidence

after that decision; (4) further consider whether the evidence supports any severe mental impairments; and (5) issue a new decision.

The court defers ruling on Plaintiff Jerry Lynn Loudermilk's motion to enlarge time for filing fee petition and affidavits (doc. 12). The Commissioner has until **May 3, 2023** to respond to the motion for enlargement of time.

The court will enter a separate final order that closes this case.

Done and Ordered on April 19, 2023.


Corey L. Maze
COREY L. MAZE
UNITED STATES DISTRICT JUDGE